the debt has been placed in judgment in a suit revived against the executor. The numerous authorities on the question of garnishment of executors or administrators are reviewed in a note to this case. See *White* v. *Coleman*, 31 Gratt. 784.

TRADEMARK—GEOGRAPHICAL NAME—"POCAHONTAS COAL."—The case of *Coffman* v. *Castner* (U. S. Circ. Ct. App.), reported in full in 4 Va. Law Reg. 150, in which it was held that the word "Pocahontas," as applied to coal from the famous Pocahontas coal section of Virginia, was a geographical term, and could not be appropriated as a trademark, as against the owners of any coal mines in that section, has been affirmed on appeal by the Supreme Court of the United States. 20 Sup. Ct. 842.

FRAUD—CONSPIRACY BETWEEN DEBTOR AND OTHER PERSONS TO DEFRAUD GENERAL CREDITOR.—The right of a general creditor to maintain an action on the case for conspiracy of the debtor and other persons to dispose of the debtor's property fraudulently, and defeat his claim is denied in *Field* v. *Siegel* (Wis.), 47 L. R. A. 433, if there was no fraud in the creation of the debt. With this case is a note reviewing the authorities on the right of action by a general creditor for damages against a third party on account of fraud in disposing of the debtor's property or preventing the collection of the claim.

NEGLIGENCE—INJURIES CAUSED BY FRIGHT.—A recovery for sickness due to the purely internal operation of fright caused by a negligent act is denied in *Smith* v. *Postal Teleg. Cable Co.* (Mass.), 47 L. R. A. 323, even if the negligence was gross and the party in fault ought to have known that the result would follow his act.

But, on the other hand, physical injury resulting from fright or other mental shock caused by wrongful act or omission is held, in *Gulf C. & S. F. R. Co.* v. *Hayter* (Tex.), 47 L. R. A. 325, to be sufficient to sustain a recovery of damages, if the negligence or wrong was the proximate cause of the injury and the injury ought, in the light of all the circumstances, to have been foreseen as a natural or probable consequence thereof.

CONSTITUTIONAL LAW—STATUTE PROHIBITING ACTION IN FOREIGN STATE TO SUBJECT WAGES OF LABORERS.—In the case of *In re Flukes*, 57 S. W. 545, it is held by the Supreme Court of Missouri that a State statute prohibiting any person or corporation from sending any note account or other *chose in action* out of the State for the purpose of causing suit to be instituted thereon in a foreign jurisdiction against a citizen of the State, and subjecting the wages of such citizen to the payment of a judgment thereon by garnishment served upon any person or corporation subject to the jurisdiction of the courts of Missouri, is unconstitutional. The court places the unconstitutionality of the statute on several grounds: (1) That in taking away the right to sue, which is one of the essential attributes of property, the creditor is deprived of his property without due process of law. (2) That the statute infringes article 4, sec. 2 of the Federal Constitution providing that citizens of each State shall be entitled to all privileges of citizens in the several States. (3) That it deprives the creditor of equal protection of the

laws, by arbitrarily separating wage-earners from other classes of people, and providing for them a different rule of action.

This decision becomes of local interest in Virginia, in view of a statute of similar import in this State. See Acts 1895–6, p. 324; 1897–8, p. 667.

PLEA OF ANOTHER PENDING SUIT—FEDERAL AND STATE COURTS FOREIGN TO EACH OTHER.—In *International etc. R. Co.* v. *Barton* (Texas), 57 S. W. 272, it is held that the pendency of a prior action in a Federal court will not abate an action for the same cause between the same parties, pending in the State court, though both courts sit in the same State, and have the same territorial jurisdiction.

The authorities are in conflict, but the court follows what is conceived to be the weight of authority, citing *Cooper* v. *Newell*, 173 U. S. 555, 19 Sup. Ct. 506, 43 L. Ed. 808; *Gordon* v. *Gilfoil*, 99 U. S. 169, 25 L. Ed. 383; *Hyde* v. *Stone*, 20 How. 170, 15 L. Ed. 874; *The Kalorama*, 10 Wall. 204, 19 L. Ed. 944; *Stanton* v. *Embrey*, 93 U. S. 548, 23 L. Ed. 983; *Insurance Co.* v. *Harris*, 96 U. S. 331, 24 L. Ed. 959; *Short* v. *Hepburn*, 21 C. C. A. 252, 75 Fed. 113; *Latham* v. *Chafee* (C. C.), 7 Fed. 520; *Logan* v. *Greenlaw* (C. C.), 12 Fed. 10; *Crescent City Live-Stock, Landing & Slaughter-House Co.* v. *Butchers' Union Live-Stock, Landing & Slaughter House Co.* (C. C.), 12 Fed. 225; *Weaver* v. *Field* (C. C.), 16 Fed. 22; *Hurst* v. *Everett* (C. C.), 21 Fed. 218; *Briggs* v. *Stroud* (C. C.), 58 Fed. 720; *Coe* v. *Aiken* (C. C.), 50 Fed. 640; *Pierce* v. *Feagans* (C. C.), 39 Fed. 587; *Beekman* v. *Railway Co.* (C. C.), 35 Fed. 3; *Rejall* v. *Greenhood* (C. C.), 60 Fed. 786; *Merritt* v. *Barge Co.*, 24 C. C. A. 530, 79 Fed. 228; *Zimmerman* v. *So Relle*, 25 C. C. A. 518, 80 Fed. 419; *Hughes* v. *Green*, 28 C. C. A. 537, 84 Fed. 833; *Bank* v. *Bonney*, 101 N. Y. 173, 4 N. E. 332; *Litchfield* v. *City of Brooklyn* (City Ct. Brook.), 34 N. Y. Supp. 1090; *Checkley* v. *Steamship Co.*, 60 How. Prac. 511; *Wood* v. *Lake*, 13 Wis. 84; *Wurtz* v. *Hart*, 13 Iowa, 518; *Hampton's Heirs* v. *Barrett*, 12 La. 159; *Caine* v. *Railway Co.* (Wash.), 41 Pac. 904.

EASEMENTS—PROTECTION BY INJUNCTION.—The case of *Ives* v. *Edison* (Mich.), 83 N. W. 120, involves the question as to the circumstances necessary to call forth the powers of a court of equity in the protection of an easement. The facts were somewhat similar to those in the recent Virginia case of *Woods* v. *Early*, 95 Va. 307. The Michigan court cites the Virginia case with approval, and quotes from the opinion of Cardwell, J., as follows:

"Mr. Justice Story says: 'Where easements or servitudes are annexed by grant or covenant, or otherwise, to private estates, the due enjoyment of them will be protected against encroachments, by injunction.' 2 Story, Eq. Jur. sec. 927. It was said by Judge Burks in *Sanderlin* v. *Baxter*, 76 Va. 305: 'Damages in repeated suits would not compensate in such a case. The injury is irreparable, and calls for a preventive remedy, such as a court of equity only can furnish. That court constantly interposes by injunction where the injury is of that character. By the term 'irreparable injury' it is not meant that there must be no physical possibility of repairing the injury. All that is meant is that the injury would be a grievous one, or at least a material one, and not adequately reparable in damages.' See, also, Kerr, Inj. p. 199, c. 15, sec. 1; *Manchester Cotton Mills* v. *Town of Manchester*,